

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DAVID SIMONS,

Plaintiff,

v.

ORDER

COMMISSIONER OF SOCIAL SECURITY,

17-CV-04844 (PMH) (AEK)

Defendant.

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PHILIP M. HALPERN, United States District Judge:

By Order dated July 25, 2017, the Court referred this case to Magistrate Judge Lisa M. Smith¹ for a Report and Recommendation. (Doc. 5).

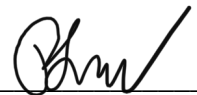
To conserve resources, to promote judicial efficiency, and in an effort to achieve a faster disposition of this matter, it is hereby ORDERED that the parties must discuss whether they are willing to consent, under 28 U.S.C. Section 636(c), to conducting all further proceedings before the assigned Magistrate Judge.

If both parties consent to proceed before the Magistrate Judge, counsel for the defendant must, by no later than May 21, 2021, send to the Clerk of Court by e-mail to orders_and_judgments@nysd.uscourts.gov, an attached fully executed (with handwritten signatures) form AO 85 Notice, Consent, and Reference of a Civil Action to a Magistrate Judge, the blank form for which is attached to this Order (and also available at <https://www.uscourts.gov/forms/civil-forms/notice-consent-and-reference-civil-action-magistrate-judge>). If the Court approves that form, all further proceedings will then be conducted before the assigned Magistrate Judge rather than before me. Any appeal would be taken directly to the United States Court of Appeals for the Second Circuit.

If either party does not consent to conducting all further proceedings before the assigned Magistrate Judge, defendant's counsel shall file a letter by no later than May 21, 2021 advising the Court that the parties do not consent, but without disclosing the identity of the party or parties who do not consent. The parties are free to withhold consent without negative consequences.

Dated: White Plains, New York
April 21, 2021

SO ORDERED:



Philip M. Halpern
United States District Judge

¹ The referral in this action was reassigned to Magistrate Judge Andrew E. Krause on October 16, 2020.

UNITED STATES DISTRICT COURT

for the

<i>Plaintiff</i>)	
v.)	
<i>Defendant</i>)	Civil Action No.
)	

NOTICE, CONSENT, AND REFERENCE OF A CIVIL ACTION TO A MAGISTRATE JUDGE

Notice of a magistrate judge's availability. A United States magistrate judge of this court is available to conduct all proceedings in this civil action (including a jury or nonjury trial) and to order the entry of a final judgment. The judgment may then be appealed directly to the United States court of appeals like any other judgment of this court. A magistrate judge may exercise this authority only if all parties voluntarily consent.

You may consent to have your case referred to a magistrate judge, or you may withhold your consent without adverse substantive consequences. The name of any party withholding consent will not be revealed to any judge who may otherwise be involved with your case.

Consent to a magistrate judge's authority. The following parties consent to have a United States magistrate judge conduct all proceedings in this case including trial, the entry of final judgment, and all post-trial proceedings.

<i>Printed names of parties and attorneys</i>	<i>Signatures of parties or attorneys</i>	<i>Dates</i>

Reference Order

IT IS ORDERED: This case is referred to a United States magistrate judge to conduct all proceedings and order the entry of a final judgment in accordance with 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73.

Date: _____

District Judge's signature

Printed name and title

Note: Return this form to the clerk of court only if you are consenting to the exercise of jurisdiction by a United States magistrate judge. Do not return this form to a judge.